



January 23, 2008

SENATE BILL No. 13

DIGEST OF SB 13 (Updated January 22, 2008 12:39 pm - DI 73)

Citations Affected: IC 20-19; IC 20-23.

Synopsis: School facility construction and alteration. Requires the state board of education to adopt administrative rules setting forth guidelines for the selection of school sites and the construction, alteration, and repair of school buildings, athletic facilities, and other categories of facilities related to the operation and administration of school corporations. Requires a school corporation to consider the guidelines when developing plans and specifications, and to submit proposed plans and specifications to the department of education. Requires the department to review the plans and specifications and provide written recommendations to the school corporation, including findings as to any material differences between the plans and specifications and the guidelines. Requires the school corporation to have a public hearing on the plans and specifications. Requires the department of education to establish a central clearinghouse containing prototype designs for school facilities. Provides that: (1) architects and engineers registered to practice in Indiana may submit plans to the clearinghouse; (2) the original architect or engineer of record retains ownership of and liability for a prototype design; and (3) a prototype design may not be used without the permission of the original architect or engineer of record.

Effective: January 1, 2009.

Hershman, Dillon

November 20, 2007, read first time and referred to Committee on Tax and Fiscal Policy.
January 22, 2008, amended, reported favorably — Do Pass.

SB 13—LS 6274/DI 75+



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January 23, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 13

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-19-2-8, AS ADDED BY P.L.65-2005,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2009]: Sec. 8. (a) In addition to any other powers and
4 duties prescribed by law, the state board shall adopt rules under
5 IC 4-22-2 concerning, but not limited to, the following matters:
6 (1) The designation and employment of the employees and
7 consultants necessary for the department. The state board shall fix
8 the compensation of employees of the department, subject to the
9 approval of the budget committee and the governor under
10 IC 4-12-2.
11 (2) The establishment and maintenance of standards and
12 guidelines ~~other than building, space, and site requirements~~, for
13 media centers, libraries, instructional materials centers, or any
14 other area or system of areas in a school where a full range of
15 information sources, associated equipment, and services from
16 professional media staff are accessible to the school community.
17 With regard to library automation systems, the state board may

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only adopt rules that meet the standards established by the state library board for library automation systems under IC 4-23-7.1-11(b).

(3) The establishment and maintenance of standards for student personnel and guidance services.

(4) The establishment and maintenance of minimum standards for driver education programs (including classroom instruction and practice driving) and equipment. Classroom instruction standards established under this subdivision must include instruction about:

(A) railroad-highway grade crossing safety; and

(B) the procedure for participation in the human organ donor program.

(5) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the accreditation of public schools. Observance of:

(A) IC 20-31-4;

(B) IC 20-28-5-2;

(C) IC 20-28-6-3 through IC 20-28-6-7;

(D) IC 20-28-9-7 and IC 20-28-9-8;

(E) IC 20-28-11; and

(F) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and IC 20-32-8;

is a prerequisite to the accreditation of a school. Local public school officials shall make the reports required of them and otherwise cooperate with the state board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes. Compliance with the building and site guidelines adopted by the state board is not a prerequisite of accreditation.

(6) Subject to section 9 of this chapter, the adoption and approval of textbooks under IC 20-20-5.

(7) The distribution of funds and revenues appropriated for the support of schools in the state.

(8) The state board may not establish an accreditation system for nonpublic schools that is less stringent than the accreditation system for public schools.

(9) A separate system for recognizing nonpublic schools under IC 20-19-2-10. Recognition of nonpublic schools under this subdivision constitutes the system of regulatory standards that apply to nonpublic schools that seek to qualify for the system of recognition.

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(10) The establishment and enforcement of standards and guidelines concerning the safety of students participating in cheerleading activities.

(b) Before final adoption of any rule, the state board shall make a finding on the estimated fiscal impact that the rule will have on school corporations.

SECTION 2. IC 20-19-2-12, AS AMENDED BY P.L.1-2006, SECTION 313, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 12. (a) The state board shall, **in the manner provided by IC 4-22-2, adopt rules setting forth nonbinding guidelines for the selection of school sites and the construction, alteration, and repair of school buildings, athletic facilities, and other categories of facilities related to the operation and administration of school corporations.** The nonbinding guidelines ~~(†)~~ must include:

(1) preferred location and building practices for school corporations, including standards for enhancing health, **student safety, accessibility,** energy efficiency, ~~cost~~ **operating** efficiency, and instructional efficacy; ~~and~~

(2) ~~may include~~ guidelines concerning minimum acreage, cost per square foot ~~and or cost per ADM (as defined in IC 20-18-2-2),~~ **technology infrastructure, building materials,** per student square footage, **and other general space requirements, including space for academics, administration and staff support, arts education and auditoriums, libraries, cafeterias, athletics and physical education, transportation facilities, and maintenance and repair facilities; and**

(3) **additional guidelines that the state board considers necessary for efficient and cost effective construction of school facilities.**

The building law compliance officer appointed under IC 10-19-7-4, the office of management and budget, and the department of local government finance shall, upon request of the board, provide technical assistance as necessary for the development of the guidelines.

(b) The state board shall annually compile, in a document capable of easy revision, the:

(1) guidelines described in subsection (a); and

(2) rules of the:

(A) fire prevention and building safety commission; and

(B) state department of health;

that govern site selection and the construction, alteration, and repair of

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1 school buildings.

2 (c) **A school corporation shall consider the guidelines adopted**
 3 **under subsection (a) when developing plans and specifications for**
 4 **a facility described in subsection (a).** Before submitting completed
 5 written plans and specifications for the selection of a school building
 6 site or the construction or alteration of a school building to the division
 7 of fire and building safety for issuance of a design release under
 8 IC 22-15-3, a school corporation shall **do the following:**

9 **(1) Submit the proposed plans and specifications to the**
 10 **department. Within thirty (30) days after the department**
 11 **receives the plans and specifications, the department shall:**

12 **(A) review the plans and specifications to determine**
 13 **whether they comply with the guidelines adopted under**
 14 **subsection (a); and**

15 **(B) provide written recommendations concerning the plans**
 16 **and specifications to the school corporation, which must**
 17 **include findings as to any material differences between the**
 18 **plans and specifications and the guidelines adopted under**
 19 **subsection (a).**

20 **(+) (2) After the earlier of:**

21 **(A) receipt of the recommendations provided under**
 22 **subdivision (1)(B); or**

23 **(B) the date that is thirty (30) days after the date the**
 24 **department received the plans and specifications under**
 25 **subdivision (1)(A);**

26 **issue a public document that describes the recommendations, if**
 27 **any, and any material differences between the plans and**
 28 **specifications prepared by the school corporation and the**
 29 **guidelines adopted under subsection (a), as determined under the**
 30 **guidelines adopted by the state board. and**

31 **(-) (3) After publishing a notice of the public hearing under**
 32 **IC 5-3-1, conduct a public hearing to receive public comment**
 33 **concerning the school corporation's plans and specifications.**

34 After the public hearing and without conducting another public hearing
 35 under this subsection, the governing body may revise the plans and
 36 specifications or submit the plans and specifications to the division of
 37 fire and building safety without making changes. The school
 38 corporation shall revise the public document described in subdivision
 39 **(+) (2)** to identify any changes in the plans and specifications after the
 40 public document's initial preparation.

41 SECTION 3. IC 20-19-2-13, AS ADDED BY P.L.1-2005,
 42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JANUARY 1, 2009]: Sec. 13. The state board may not approve or disapprove plans and specifications for the construction, alteration, or repair of school buildings, except as necessary under the following:

- (1) The terms of a federal grant or a federal law.
- (2) IC 20-35-4-2 concerning the authorization of a special school for children with disabilities.

However, the state board shall adopt guidelines concerning plans and specifications as required by section 12 of this chapter.

SECTION 4. IC 20-19-3-8, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 8. (a) The department may not approve or disapprove plans and specifications for the construction, alteration, or repair of school buildings, except as necessary under the following:

- (1) The terms of a federal grant or a federal law.
- (2) IC 20-35-4-2 concerning the authorization of a special school for children with disabilities.

(b) Notwithstanding subsection (a), the department shall do the following:

(1) Receive and review plans and specifications as required by IC 20-19-2-12.

(2) Establish a central clearinghouse for access by school corporations that may want to use a prototype design in the construction of school facilities. The department shall compile necessary publications and may establish a computer data base to distribute information on prototype designs to school corporations. Architects and engineers registered to practice in Indiana may submit plans and specifications for a prototype design to the clearinghouse. The plans and specifications may be accessed by any person. However, the following provisions apply to a prototype design submitted to the clearinghouse:

(A) The original architect of record or engineer of record retains ownership of and liability for a prototype design.

(B) A school corporation or other person may not use a prototype design without the permission of the original architect of record or engineer of record.

The state board may adopt rules under IC 4-22-2 to implement this subdivision.

SECTION 5. IC 20-23-4-42, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 42. (a) ~~The state board shall enforce the rules compiled under IC 20-19-2-8 that establish procedures and~~

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standards set forth in IC 20-19-2-12 concerning the review of, and public hearings concerning, plans and specifications for the construction of, addition to, or remodeling of school facilities. The commission shall apply these rules equally to facilities to be used or leased by both community school corporations and school corporations that are not community school corporations.

(b) A school building or an addition to a school building may not be constructed and a lease of a school building for a term of more than one (1) year may not be entered into by a school corporation other than a community school corporation or by two (2) or more school corporations jointly without the approval of the state board. For purposes of this subsection, "community school corporation" does not include a community school corporation governed by an interim board of school trustees.

(c) (b) An action to question any approval referred to in this section or to enjoin school construction or the performance of any of the terms and conditions of a lease or the execution, sale, or delivery of bonds, on the ground that any approval should not have been granted, may not be instituted at any time later than fifteen (15) days after approval has been granted.

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SENATE MOTION

Madam President: I move that Senator Dillon be added as second author of Senate Bill 13.

HERSHMAN

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 13, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 13 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 7, Nays 3.

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